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Law360 Article



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Canada Reaches Deal With Mexican Robocallers

By **Greg Ryan**

Law360, New York (October 17, 2011, 4:01 PM EDT) -- Canada's telecommunications watchdog announced an agreement Monday with two Mexican tourism companies that bars them from continuing to make unsolicited calls to Canadian consumers about vacation packages, a deal that also involved Mexico's consumer protection agency.

Marketing 4 Sunset Group and Cancun Unlimited SA de CV violated Canada's Unsolicited Telecommunications Rules when telemarketers placed calls on their behalf to Canadians on the National Do Not Call List, some of which were unauthorized robocalls, the Canadian Radio-television Telecommunications Commission said.

Some of the calls referenced well-known Canadian companies, potentially creating a false impression in consumers' minds that the companies had a business relationship with Marketing 4 Sunset and Cancun Unlimited, according to the CRTC.

Under the agreement, the two companies will adhere to the DNCL, comply with the Unsolicited Telecommunications Rules and refrain from attempting to draw a false connection between themselves and Canadian companies.

The CRTC worked with Mexico's consumer protection agency, Procuraduria Federal Del Consumidor, or PROFECO, on the agreement.

"This cross-border agreement, which is the first of its kind, is an example of the measures we are taking to shield Canadians from unwanted telemarketing calls," Andrea Rosen, the CRTC's chief compliance and enforcement officer, said in a statement.

Specifically, the companies must subscribe to the DNCL and update their calling lists every 31 days to comply with the DNCL.

The Canadian agency launched its investigation into Marketing 4 Sunset and Cancun Unlimited in October 2009, after it began receiving complaints from consumers about the telemarketing calls. The CRTC has received more than 12,000 complaints about the two companies' calls over the past several years, according to letters it sent the companies.

Half of the complaints related to calls received by members of the DNCL, while 30 percent related to unauthorized robocalls and 20 percent related to calls made outside permitted calling hours and early call disconnections, the letters said.

In addition, a large Canadian company told the CRTC that 30,000 to 40,000 calls per day were placed to its customers from a fake phone number, according to the letters.

The CRTC targeted a company within its own borders in August, when GoodLife Fitness Centres Inc., the country's largest fitness center company, agreed to pay \$300,000 to settle allegations it used robocalls to contact members without their consent.

A CRTC investigation found that from May 2010 to December 2010, GoodLife called its members by using automated dialing and announcing devices without their consent, violating CRTC regulations.

In addition to the financial penalty, the company agreed to stop robocalling customers without their consent and to review its compliance with CRTC's telemarketing rules.

The CRTC's agreement with Marketing 4 Sunset and Cancun Unlimited did not contain a financial penalty.

--Additional reporting by Keith Goldberg. Editing by Kat Laskowski.

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